IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 302 OF 2006

Disha Shikshan Va Vikas

& Anr. ..Petitioners

V/S

Ananda Y. Ingawale & ors. ..Respondents

Mr. S.S. Redekar for Petitioners.

CORAM : A.P. DESHPANDE, J.

DATE : 15TH JANUARY, 2007.

P.C.

1. The present petitioner is a Homeopathic Medical College and Hospital wherein the Respondent Nos. 1 to 7 were appointed as members of non teaching staff. Alleging commission of the unfair labour practice by the present petitioner, Respondent No. 1 to 7 filed complaint before the Industral Court, Kolhapur. Pending the said complaint an application came to be moved by the petitioner seeking decision of a issue as a preliminary issue. The petitioner requested for deciding the question as to whether the Industrial Court has jurisdiction to adjudicate the complaint in view of section 53 of the Maharashtra University of Health Services Act, 1998.

The Petitioners have contended that there exist a forum carved out by Special Act which is in the form of grievance committee and hence jurisdiction of the Industrial Court stands outsted by implication. It is undisputed that there is no provision expressly ousting the jurisdiction of Industrial Court. Perusal of section 53 reveals that a grievance committee has to be constituted in the University to deal with the grievance of the employees of the University and Colleges with a view to settle the grievances. The grievance committee does not have power, authority and jurisdiction to decisively adjudicate the grievance. The grievance committee is expected to make a report to the Management Council for taking action and the Management Council's decision has been given finality. There is no forum carved out to adjudicate the dispute which has been filed before the Industrial Court. Prima facie there appears to be no substance in the submission of the petitioner that the jurisdiction of the Industrial Court is ousted by virtue of section 53 of the Act. Be it as it may, at present the said issue does not arise for consideration in this petition. The Industrial Court has only deferred the decision on the said issue by holding that the issue of ouster of

jurisdiction will be decided alongwith other issues. The same does not suffer from any illegality. The Industrial Court has deferred the decision in view of the order passed by this court. As the order does not suffer from any illegality the petition is summarily dismissed.

(A.P. DESHPANDE, J.)